

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Rachel Buhner	Team: Squad #16	CCRB Case #: 201407803	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 07/24/2014 7:00 AM	Location of Incident: § 87(2)(b) outside § 87(2)(b) inside the 75th Precinct stationhouse	Precinct: 75	18 Mo. SOL 1/24/2016	EO SOL 1/24/2016	
Date/Time CV Reported Fri, 07/25/2014 1:53 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 07/31/2014 3:53 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. DT3 Joseph Fernandez	01815	940098	NARCBBN
3. An officer			
4. POM Sean Gillespie	19384	947029	NARCBBN
5. DT3 Jeanbern Remy	02998	939292	NARCBBN

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Gabriel Nacelewicz	06511	942255	NARCBBN
2. DT3 Charles Ingrassia	1149	938694	NARCBBN

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Abuse: Officers entered and searched § 87(2)(b) in Brooklyn.	
B. POM Sean Gillespie	Force: Inside § 87(2)(b) in Brooklyn, PO Sean Gillespie used physical force against § 87(2)(b)	
C. Officers	Force: Inside § 87(2)(b) in Brooklyn, officers used physical force against § 87(2)(b)	
D. DT3 Joseph Fernandez	Abuse: Det. Joseph Fernandez refused to show a search warrant to § 87(2)(b)	
E. DT3 Joseph Fernandez	Discourtesy: Outside § 87(2)(b) in Brooklyn, Det. Joseph Fernandez spoke rudely to § 87(2)(b) and § 87(2)(b)	
F. DT3 Joseph Fernandez	Abuse: Outside § 87(2)(b) in Brooklyn, Det. Joseph Fernandez threatened to arrest § 87(2)(b)	
G. An officer	Discourtesy: Outside § 87(2)(b) in Brooklyn, an officer spoke rudely to § 87(2)(b) and § 87(2)(b)	
H. Officers	Force: Outside § 87(2)(b) in Brooklyn, officers used physical force against § 87(2)(b) and § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
I. An officer	Force: Outside § 87(2)(b) in Brooklyn, an officer used a chokehold against § 87(2)(b)	
J.DT3 Jeanbern Remy	Discourtesy: Outside § 87(2)(b) in Brooklyn, Det. Jeanbern Remy spoke rudely to § 87(2)(b)	
K.DT3 Jeanbern Remy	Abuse: Outside § 87(2)(b) in Brooklyn, Det. Jeanbern Remy threatened to arrest § 87(2)(b)	
L. Officers	Discourtesy: Inside the 75th Precinct stationhouse, officers spoke rudely to § 87(2)(b)	
M.DT3 Jeanbern Remy	Discourtesy: Inside the 75th Precinct stationhouse, Det. Jeanbern Remy spoke rudely to § 87(2)(b)	
N.DT3 Jeanbern Remy	Off. Language: Inside the 75th Precinct stationhouse, Det. Jeanbern Remy made offensive comments to § 87(2)(b) based upon her gender, weight, and perceived economic status.	
O. Officers	Off. Language: Inside the 75th Precinct stationhouse, officers made offensive comments based on § 87(2)(b)'s gender and weight.	

Case Summary

On July 27, 2014 at approximately 7 a.m., officers executed a search warrant at § 87(2)(b) in Brooklyn. Officers entered the apartment (**Allegation A**), and attempted to apprehend § 87(2)(b). The officers, including PO Sean Gillespie, allegedly used force to remove him from underneath a blanket (**Allegations B and C**). Officers were executing two search warrants in the immediate area, one at § 87(2)(b) and the other at § 87(2)(b).

§ 87(2)(b) the daughter of § 87(2)(b) who resides at § 87(2)(b) § 87(2)(b) arrived on scene and approached the officers who by that point were in front of § 87(2)(b). § 87(2)(b) began speaking with Det. Gabriel Nacelewicz of Narcotics Borough Brooklyn North, who was in the driver's seat of the prisoner van. § 87(2)(b) § 87(2)(b)'s nephew, began recording video with his cell phone while they were speaking. Shortly thereafter, Det. Nacelewicz rolled up his window and radioed for backup. Four officers then appeared, one of whom was captured on the video and identified as Det. Joseph Fernandez. § 87(2)(b) and Det. Fernandez discussed the warrant, during which time Det. Fernandez allegedly refused to provide a copy of the warrant (**Allegation D**), directed profanity at her (**Allegation E**) and threatened to arrest her (**Allegation F**). The conversation continued, until an unidentified officer allegedly instructed her to "get the fuck out of the street" (**Allegation G**), but § 87(2)(b) refused to move.

An unidentified officer allegedly told § 87(2)(b) who was standing next to her and still recording the incident, to "fucking move" her (**within Allegation G**). § 87(2)(b) responded that he could not make her move, and at that point, multiple officers used force in order to place them under arrest (**Allegation H**). § 87(2)(b) alleged that three white officers grabbed her arms and threw her to the ground, and then unknown officers stood her up then placed her in handcuffs. Simultaneous to § 87(2)(b)'s arrest, officers arrested § 87(2)(b). An unknown officer allegedly jumped onto § 87(2)(b)'s back and put his arm around his neck (**Allegation I**). § 87(2)(b) said, "Look how you putting him in a chokehold", and § 87(2)(b) was then released. At no point during his arrest did § 87(2)(b) say anything or resist.

§ 87(2)(b) was unable to continue recording due to being arrested, so § 87(2)(b) § 87(2)(b)'s niece, began to record the incident upon § 87(2)(b)'s request. An officer, identified via the investigation as Det. Jeanbern Remy, then said to § 87(2)(b) "Get the fuck out of here, get the fuck out of here or I'm gonna fucking arrest your ass" (**Allegations J and K**). At that point, § 87(2)(b) stopped recording and ran away. § 87(2)(b) was then placed into the van and taken to the 75th Precinct stationhouse.

After arriving at the stationhouse, § 87(2)(b) was seen by EMTs, but she ultimately refused medical treatment. An unidentified officer placed her in the cell and told her to, "Sit the fuck down", and repeated it two or three times (**Allegation L**). Det. Remy approached § 87(2)(b) and said, "Look at you, you need to do something with all that eczema shit you got on you", as well as called her fat, and a bitch (**Allegations M and N**). Two unknown officers said, "Why did you make the fucking scale mad with your fat ass?", and "Fuck you, you fat bitch" (**within Allegation L and Allegation O**).

When Det. Remy returned § 87(2)(b)'s property, he allegedly looked at her phone and said, "Oh you got so much, why you live in the projects?", and asked why she had a back to work card and a benefit card in her wallet (**within allegation N**).

Mediation and Criminal Histories

- § 87(2)(b) was not offered mediation due to her arrest.
- As of June 30, 2015, a Notice of Claim has not been filed with the New York City Office of the Comptroller (encl. 6A-6B).

• [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

- Det. Joseph Fernandez has been a member of the NYPD for nine years, and has had 15 previous cases involving 35 allegations with no substantiations. He has three previous allegations involving discourtesies, one threat of arrest, and eight allegations involving the use of force. § 87(2)(g)

- PO Sean Gillespie has been a member of the NYPD for six years, and has had two previous cases involving two allegations with no substantiations. § 87(2)(g)

- Det. Jeanbern Remy has been a member of the NYPD for nine years, and has had 12 previous cases involving 25 allegations with no substantiations. § 87(2)(g)

• § 87(2)(b)

Potential Issues

- The investigation was unable to locate § 87(2)(b) and § 87(2)(b) who are both victims in the case. Therefore, they did not provide any testimony regarding what occurred either inside § 87(2)(b) § 87(2)(b) or outside § 87(2)(b) in Brooklyn.
- § 87(2)(b) was shown photographs of the 75th Precinct field team in attempts to identify the officers who used physical force against her and § 87(2)(b) while arresting them. However, § 87(2)(b) was unable to positively identify any of the officers who placed either herself or § 87(2)(b) under arrest.

Video Summary #1 (encl. 2M)

- The video, shot by § 87(2)(b) begins with § 87(2)(b) speaking with an officer, identified as Det. Gabriel Nacelewicz, who is sitting in the driver's seat of a black, unmarked van. The window is rolled up, and at the :30 mark, he is seen placing a call over his radio.
- At the 1:51 mark, § 87(2)(b) becomes irate, and begins yelling that the officers "fucked up her brother" and kicked in her mother's door with no warrant. She admits she is agitated.
- At the 1:58 mark, there is a partial view of a white male officer in plain clothes speaking to § 87(2)(b). The officer, identified as Det. Joseph Fernandez, tells her to relax, and that he does have a warrant.
- At the 2:10 mark, Det. Fernandez yells back at § 87(2)(b) and states, "If you wanna start yelling at me, I'll start yelling". § 87(2)(b) responds, "Then fucking yell". At the 2:13 mark, Det. Fernandez says to § 87(2)(b) "You're going to fucking jail, I don't give a fuck". Det. Fernandez then turns to § 87(2)(b) and says, "Get the fuck away from me".
- Det. Fernandez walks away, and then walks back. At the 2:25 mark, he tells § 87(2)(b) that if she wants to see a copy of the warrant, she can do so at the 75th Precinct stationhouse. § 87(2)(b) refuses. Det. Fernandez again walks away, and walks back, and they continue speaking.

- At the 2:48 mark, the first full shot of Det. Fernandez's face is visible. He tells § 87(2)(b) to please give him 15 minutes, and that he is in the middle of something. He also reiterates that they had a warrant, and § 87(2)(b) asks if they found drugs. Det. Fernandez does not verbally respond, but puts his face in his hands.
- § 87(2)(b) asks why they beat up her brother, § 87(2)(b). Det. Fernandez responds at the 3:12 mark that he is the arresting officer, and he has the search warrant.
- At the 3:25 mark, Det. Fernandez says that if they wait 15 minutes, he will show them the warrant. § 87(2)(b) asked why they did not present the warrant when they entered her apartment, and Det. Fernandez says that is not the way it works, and that this is not the movies. At the 4:06 mark, PO2 asks § 87(2)(b) who § 87(2)(b) is. § 87(2)(b) and § 87(2)(b) respond that he is their brother, and that he is in a program. Det. Fernandez says that he has seen § 87(2)(b) there, and begins to say something about when they go to court.
- However, at the 4:35 mark, a voice off camera is heard asking them to move to the other side of the street. There is construction going on in the background, and it is presumably a worker who is speaking. § 87(2)(b) responds twice that she is not moving, and Det. Fernandez tells her she has to move. The video then ends.

Video Summary #2 (encl. 2N)

- The second video is 19 seconds long, without clear video or audio.
- At the :05 mark, Det. Fernandez and an unidentified officer are seen walking towards § 87(2)(b). Det. Fernandez has a cigarette in his mouth. § 87(2)(b) instructs the officers not to touch her.
- At the :12 mark, an unidentified voice says, "Either you move her, or I move her". At the:14 mark, § 87(2)(b) says, "Let him touch me", and it appears that Det. Fernandez moves towards her to place her under arrest. However, the video pans down and only the ground is visible. From that point forward, only the ground is shown, and inaudible shouting is heard.

Findings and Recommendations

Explanation of Subject Officer Identification

Det. Fernandez is clearly seen on the video provided by § 87(2)(b) which was taken by § 87(2)(b). He identified himself on the video, and acknowledged interacting with § 87(2)(b). PO Gillespie acknowledged interacting with § 87(2)(b) as well as stated that he escorted him to the hospital. Det. Jeanbern Remy was identified via § 87(2)(b)'s physical description, as well as in a photo array.

§ 87(2)(g)

§ 87(2)(g)

Allegation not pleaded

Force – A restriction of breathing allegation is not pleaded in conjunction with the chokehold allegation involving § 87(2)(b) as § 87(2)(b) did not indicate that § 87(2)(b)'s breathing was restricted, she described the alleged chokehold and release thereof as occurring within seconds, and because § 87(2)(b) was unavailable to the investigation in order to provide clarifying information in regards.

Allegation A- Abuse of Authority: Officers entered and searched § 87(2)(b) § 87(2)(b) in Brooklyn.

It is undisputed that officers from Narcotics Borough Brooklyn North entered and searched § 87(2)(b) § 87(2)(b) in Brooklyn. It is also undisputed that they did so with the authority of a valid search warrant. § 87(2)(b)

§ 87(2)(b) The search warrant authorized the officers to enter § 87(2)(b) § 87(2)(b) in Brooklyn, without first having to announce their presence § 87(2)(g)

§ 87(2)(g)

Allegation B- Force: Inside § 87(2)(b) § 87(2)(b) in Brooklyn, PO Sean Gillespie used force against § 87(2)(b)

Allegation C- Force: Inside § 87(2)(b) § 87(2)(b) in Brooklyn, officers used force against § 87(2)(b)

§ 87(2)(b) was not present when the search warrant was executed, and was informed by § 87(2)(b) § 87(2)(b) that officers entered the apartment and began beating up her brother, § 87(2)(b) and injured him. She was also informed that he was taken to the hospital. § 87(2)(b) was unavailable to the investigation and the command log confirmed that § 87(2)(b) had a laceration to his shin.

PO Gillespie stated that upon entering the apartment with the field team, he observed a man, identified via the investigation as § 87(2)(b) on the couch near the front door. The team informed the occupants, which also included two women, that they were the police and executing a search warrant. At that point, § 87(2)(b) sat up and fully covered himself in a blanket, by pulling the blanket from behind him and putting over his head. He was then instructed to give officers his hands, but § 87(2)(b) remained underneath the blanket.

§ 87(2)(b) remained under the blanket for a couple minutes, at which point the officers grabbed him and attempted to take him off of the couch onto the floor in order to place him in handcuffs. PO Gillespie stated that § 87(2)(b) was under the blanket and that the officers could not see any of his person, and that PO Gillespie was attempting to reach for his hands and get them behind his back. In order to gain compliance from § 87(2)(b) he was first brought to the floor, the blanket was removed from his grasp, and he was then handcuffed. A short while later, § 87(2)(b) complained that he had a medical condition involving seizures, which was confirmed by the women inside the apartment. At that time, a call was placed over the radio for an ambulance, and upon arrival, PO Gillespie escorted the male to the hospital where he was treated for his condition. PO Gillespie did not recall observing any physical injuries on § 87(2)(b) however, when presented with the Command Log entry indicating that § 87(2)(b) had a laceration to his leg, PO Gillespie recalled that he had a cut or scrape on his shin. He assumed that this injury occurred when he was brought down from the couch to the floor. PO Gillespie observed the injury to § 87(2)(b) shin in the ambulance, and he did not recall him complaining of any pain. At the hospital, PO Gillespie observed § 87(2)(b) walking on his own without any difficulties. He had x-rays taken of his leg, which were negative for any broken bones, and he did not need stitches of any sort.

According to the officers, § 87(2)(b) refused to comply with their orders to show them his hands, consequently they used minimal force to remove him from the couch, place him on the floor and remove the blanket that he used to cover himself. No information is available to refute or corroborate the officers' account as § 87(2)(b) and the lone witness to the force, § 87(2)(b) were unavailable to

[REDACTED]
 [REDACTED]
 [REDACTED]

refused to show a search warrant to § 87(2)(b)

§ 87(2)(g)

Video footage captures this portion of the encounter, however, for the majority of the discussion involving the search warrant, § 87(2)(b) is angry that the officers did not show a copy of the search warrant to her mother, which is what she communicates to Det. Fernandez. Det. Fernandez tells § 87(2)(b) that the officers did have a warrant and tells her that the officers do not need to show a copy of the warrant before entering the location. Det. Fernandez ultimately tells § 87(2)(b) that if she wants to see a copy of the warrant she would have to go to the 75th Precinct to do so. § 87(2)(b) stated that she would not go to the precinct. § 87(2)(b) then asks that if Det. Fernandez had a copy of the warrant with him, why then did they have to go to the precinct to see it. Det. Fernandez responded that he was doing something at that moment in regards to the search warrant, that he was not going anywhere and that if they gave him 15 minutes to finish what he was doing he would provide the warrant to them to review. Within seconds thereafter, § 87(2)(b) is asked to move aside by a construction worker, she refuses, the officers tell her that she needs to move and she is ultimately arrested for refusing to do so.

§ 87(2)(g) [REDACTED]

Allegation E- Discourtesy: Outside § 87(2)(b) in Brooklyn, Det. Joseph Fernandez spoke rudely to § 87(2)(b) and § 87(2)(b)

Allegation F- Abuse of Authority: Outside § 87(2)(b) in Brooklyn, Det. Joseph Fernandez threatened to arrest § 87(2)(b)

§ 87(2)(b) provided a video of her interaction with Det. Fernandez, which was shot by § 87(2)(b). At the 2:13 mark, Det. Fernandez states to § 87(2)(b) “You’re going to fucking jail, I don’t give a fuck,” and then tells § 87(2)(b) to, “Get the fuck away from me”.

In his statement, Det. Fernandez stated he first interacted with § 87(2)(b) outside of § 87(2)(b). § 87(2)(b) and § 87(2)(b) approached Det. Fernandez, who was standing outside the van. § 87(2)(b) and § 87(2)(b) were very irate from the beginning of their interaction; were screaming and cursing, and trying to get close to the van. § 87(2)(b) told Det. Fernandez that this was “bullshit”, asked him why he was arresting and harassing them, and things of that nature. Det. Fernandez did not tell § 87(2)(b) that if she was going to keep yelling that she was going to get “fucking arrested”, and he did not use any profanity with § 87(2)(b) during the interaction. Det. Fernandez did not recall § 87(2)(b) asking to see a copy of the warrant.

When asked if he used any profanity throughout the duration of his interaction with § 87(2)(b) and § 87(2)(b) Det. Fernandez stated, “Not that I can recall, no”. At the conclusion of the interview, the video provided by § 87(2)(b) was shown to Det. Fernandez. In the beginning of the video, no faces were visible and only voices could be heard. When asked if he recognized the voice from the video, Det. Fernandez stated that he could not tell. When the camera moved up and briefly showed a white man’s face, Det. Fernandez was asked if he recognized the individual. He replied that the image was shown too quickly to tell. When asked again if he recognized his voice after having listened to the video further, he again stated that he “could not tell by the voice”. At this point, a printed screen shot of a frame in the video (encl. 2P) showing a clear image of a white male’s head was presented to Det. Fernandez, and he acknowledged that it was him.

Patrol Guide Procedure 203-09 states that officers must be courteous and respectful when interacting with members of the public (encl. 0A).

Harsh or profane language, when used in an effort to maintain order during a stressful street encounter, does not represent misconduct, Police Department v. White, OATH Index #78667/03 (encl. 0K-0N).

Patrol Guide Procedure 208-01 states that in order to make a warrantless arrest, an officer must have reasonable cause to believe that an offense was committed in his presence, or reasonable cause to believe that the person committed a crime, either in his presence or not within his presence (encl. 0D-0E).

§ 87(2)(g)
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Allegation G- Discourtesy: Outside § 87(2)(b) in Brooklyn, an officer spoke rudely to § 87(2)(b) and § 87(2)(b)

According to § 87(2)(b) while § 87(2)(b) was still recording the incident, an unidentified officer instructed her to, “Get the fuck out of the street, and an unidentified officer told § 87(2)(b) who was standing next to her, to “Fucking move” her, and he responded that he would not.

However, at the:12 mark of the second video, an unidentified voice says, "Either you move her, or I move her". At no point during either the first or second video is any officer heard saying either, “Get the fuck out of the street”, or “Fucking move her”.

§ 87(2)(b) stated that comments were made while § 87(2)(b) was still filming; however, neither comment nor a variation of such is heard on either video. § 87(2)(g)

Allegation H- Force: Outside § 87(2)(b) in Brooklyn, officers used force against § 87(2)(b) and § 87(2)(b)

Allegation I- Force: Outside § 87(2)(b) in Brooklyn, an officer used a chokehold against § 87(2)(b)

In the first video, at the 4:35 mark, a voice off camera is heard asking everyone to move to the other side of the street. There is construction going on in the background, and it is presumably a worker who is speaking. § 87(2)(b) responds twice that she is not moving, and Det. Fernandez tells her she has to move. The video then ends. At the :05 mark of the second video, Det. Fernandez and an unidentified officer are seen walking towards § 87(2)(b). Det. Fernandez has a cigarette in his mouth. § 87(2)(b) instructs the officers not to touch her.

At the :12 mark, an unidentified voice says, "Either you move her, or I move her". At the:14 mark, § 87(2)(b) says, "Let him touch me", and it appears that Det. Fernandez moves towards her to place her under arrest. However, the video pans down, and from that point forward, only the ground is shown, and inaudible shouting is heard.

§ 87(2)(b) stated that, after she refused to move, multiple officers charged at her and § 87(2)(b) in order to place them under arrest. Three white officers grabbed her arms and threw her to the ground. Another unidentified officer brought over handcuffs, and the officers stood her up then placed her in handcuffs. Simultaneous to § 87(2)(b)'s arrest, officers arrested § 87(2)(b). An unknown officer allegedly jumped onto § 87(2)(b)'s back and put his arm around his neck. § 87(2)(b) said, “Look how you putting him in a chokehold”, and § 87(2)(b) was then released from the officer’s grasp. At no point during his arrest did § 87(2)(b) say anything or resist.

According to Det. Fernandez, he politely asked § 87(2)(b) to move to the sidewalk, but she refused. She continued to scream, she yelled, “Fuck you”, and demanded to know what was going on. She

was asked numerous times to get out of the street, and she did not comply. At that point, § 87(2)(b) requested to speak with a supervisor, though before this request could be discussed, § 87(2)(b) became very irate and grabbed one of the officers on his shoulder, trying to push him away, though Det. Fernandez could not recall which officer. Det. Fernandez could also not describe what events lead up to § 87(2)(b) grabbing the officer, or why he did so. After witnessing § 87(2)(b) grab the officer's shoulder, Det. Fernandez attempted to place § 87(2)(b) under arrest, but he resisted and flailed his arms. During the struggle they fell to the ground, but he could not recall how they fell. While § 87(2)(b) was being apprehended, Det. Fernandez did not throw him to the ground, though he did state that physical force was used. However, when asked to elaborate, he stated that he could not recall. He could not recall if any other officers fell, or were helping him at the time. Det. Fernandez instructed him to stop resisting and then placed him in handcuffs. He could not recall how many officers assisted him, if any, and he did not witness any officer jump on § 87(2)(b)'s back, and did not do so himself. Det. Fernandez did not place his arm around § 87(2)(b)'s neck, and did not see any other officer do so. He also did not hear § 87(2)(b) state that an officer was placing § 87(2)(b) in a chokehold.

While § 87(2)(b) was being placed under arrest, § 87(2)(b) interfered and was physically trying to prevent the officers from arresting § 87(2)(b). Det. Fernandez could not recall how many officers were present when the arrests occurred, nor could he recall which officers were involved in arresting § 87(2)(b). Det. Fernandez did not recall § 87(2)(b) resisting when she was being apprehended, and he did not recall if he assisted in arresting her. He stated that the arrests happened nearly simultaneously, and that his attention was focused on § 87(2)(b).

In his memo book, Det. Remy noted two arrests at 8:10 a.m. for § 87(2)(b). However, he stated that he did not have an independent recollection of the incident. Det. Remy was presented a photo of § 87(2)(b) and asked if he remembered her, and he responded, "Am I supposed to?", and then said, "I don't remember her". When asked if he recognized § 87(2)(b) Det. Remy responded, "You know what it is, I see so many people, I can't tell where I've seen them, whether it was related to that or passing through the precinct", and upon a prompt from the rep, he stated that § 87(2)(b) looked familiar but he did not know from where. Det. Remy stated that he "more than likely" assisted in the arrests of either or both § 87(2)(b) and § 87(2)(b) but that he did not know specifically what actions he took. He stated that he would not have written "92C" in his memo book if he was not present for the arrests. He did not have an independent recollection of why any civilians were arrested for § 87(2)(b) and he could not recall any physical force being used against any civilians, and he did not witness any civilians being placed in a chokehold.

After viewing the videos provided by § 87(2)(b) Det. Remy again stated that if he was not present, he would not have noted the arrests in his memo book. However, he then stated that he "probably was in the vicinity" but did not actively participate in the arrests of § 87(2)(b) or § 87(2)(b). The rep then interjected, and said, "Or you may have still been in the building", and Det. Remy responded, "That's right, I could have very well been in the building". Det. Remy was again asked if he would have noted the arrests in his memo book if he was not present for the arrests, and he responded that the field team keeps "consistent memo books", and the rep again interjected and stated that everyone on the team would have had the same entry, and that he could have been elsewhere. When asked if that was correct, Det. Remy stated yes.

Det. Nacelewicz stated that he exited the prisoner van once the decision had been made to place § 87(2)(b) and § 87(2)(b) under arrest. He and other unknown officers placed § 87(2)(b) and § 87(2)(b) under arrest. Det. Nacelewicz stated that they both resisted to a degree, and that a slight struggle ensued. He indicated that some force was used, but that the struggle was minimal. He could not

elaborate in regards to what force was used. Det. Nacelewicz attempted to place § 87(2)(b) under arrest and stated that one additional officer was assisting him, but he could not recall who. Det. Nacelewicz could not recall if he placed § 87(2)(b) in handcuffs. He stated the struggle lasted less than a minute, and that § 87(2)(b) resisted by flailing his arms and refusing to be handcuffed. Det. Nacelewicz did not remember if he saw any of the officers while they were attempting to place § 87(2)(b) under arrest, and did not recall which officers were doing so. He could not recall if § 87(2)(b) was taken to the ground when she was arrested and he did not place § 87(2)(b) in a chokehold, nor did he see any other officer do so.

Det. Ingrassia stated that while inside § 87(2)(b) an officer outside called for backup, and he and approximately six other officers whom he could not identify responded. He observed a crowd gathering, and an irate woman. He was shown a photo of § 87(2)(b) but he did not recognize her and did not know if she was the irate woman he saw. Det. Ingrassia recalled that someone from the crowd was arrested, but he did not know who. Det. Ingrassia could not approximate the size of crowd, but it was large. His role at the scene was to ensure the safety of the other officers, but he could not specify any actions he took or where he was positioned. He did not recall if he helped arrest anyone. Det. Ingrassia did not recall if the arrested individual resisted arrest. He did not see any officer throw anyone to the ground or put any civilian in a chokehold.

Due to the fact that the video stops recording when § 87(2)(b) is being placed under arrest, there is no video evidence of how the arrests were affected. § 87(2)(b) participated in a photo viewing, but was unable to identify any of the officers who participated in either her arrest or the arrest of § 87(2)(b). Det. Fernandez, Det. Remy, Det. Nacelewicz, and Det. Ingrassia all provided conflicting and inconsistent statements pertaining to the arrests of § 87(2)(b) and § 87(2)(b) specifically in regards to the events leading up to the arrests, their roles in effecting the arrests, the level of resistance from § 87(2)(b) and § 87(2)(b) and what force was used in order to place them in handcuffs. Furthermore, none of the officers could recall which additional officers were involved in effecting the arrests.

§ 87(2)(g)

It is undisputed that § 87(2)(b) and § 87(2)(b) were loud, agitated and cursed at the officers, and § 87(2)(b) admitted that before Det. Fernandez attempted to arrest her she stated, "Let him touch me" suggesting that she was prepared to take action against Det. Fernandez if he attempted to grab her.

§ 87(2)(g)

§ 87(2)(g)

Allegation J- Discourtesy: Outside § 87(2)(b) in Brooklyn, Det. Jeanbern Remy spoke rudely to § 87(2)(b)

Allegation K - Abuse of Authority: Outside § 87(2)(b) in Brooklyn, Det. Jeanbern Remy threatened to arrest § 87(2)(b)

§ 87(2)(g)

§ 87(2)(b) stated that after § 87(2)(b) was unable to continue filming, her niece, § 87(2)(b) attempted to begin filming with a cellphone. However, when she began recording, Det. Remy said to her, “Get the fuck out of here, get the fuck out of here or I’m gonna arrest your ass.”

Det. Remy did not recall if he observed anyone filming the incident on their cell phone, and he did not make the above comment to any civilian. Det. Fernandez did not recall any other members of § 87(2)(b)s family being present during the arrests, and he did not overhear any officer make the above statement. Similarly, Det. Nacelewicz and Det. Ingrassia did not hear any officer make the above statement.

§ 87(2)(g)

Allegation L- Discourtesy: Inside the 75th Precinct stationhouse, officers spoke rudely to § 87(2)(b)

Allegation O- Offensive Language: Inside the 75th Precinct stationhouse, officers made offensive remarks based on § 87(2)(b)s gender and weight.

§ 87(2)(b) stated that while inside the 75th Precinct, an officer told her to, “Sit the fuck down”. She further stated that additional unidentified officers said to her, “Why did you make the fucking scale mad with your fat ass?”, and “Fuck you, you fat bitch”.

Despite participating in a photo viewing, § 87(2)(b) was unable to positively identify any of the officers who made the above statements. § 87(2)(g)

Allegation M- Discourtesy: Inside the 75th Precinct stationhouse, Det. Jeanbern Remy spoke rudely to § 87(2)(b)

Allegation N- Offensive Language: Inside the 75th Precinct stationhouse, Det. Jeanbern Remy made offensive comments to § 87(2)(b) based upon her gender, weight and perceived economic status.

§ 87(2)(b) stated that while inside the 75th Precinct stationhouse, Det. Remy approached her and said, “Look at you, you need to do something with all that eczema shit you got on you”. She also stated that Det. Remy called her fat, and a “bitch”. Additionally, after she was released, Det. Remy returned her property and said to her, “Oh you got so much, why you live in the projects?”, and asked why she had a back to work card and a benefit card in her wallet.

Det. Remy stated that after arriving back at the stationhouse, he did not recall having any specific verbal conversations with any of the civilians. When asked if he made any of the aforementioned comments to any civilian, Det. Remy laughed and said that he did not recall making the comments, and then, unprompted, stated, “My children have eczema, why would I say such a thing?”

§ 87(2)(g)

Pod: _____

Investigator:	_____	_____	_____
	Signature	Print	Date

Supervisor:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
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